

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA**

**V.**

**CRIMINAL NO. 3:19CR194-HTW**

**MATEO MAGDALENA PEDRO**

**Motion to Appoint Counsel**

Comes now Defendant Mateo Magdalena Pedro and files this Motion to Appoint Counsel. The undersigned presents the following in support of this Motion.

On August 7, 2019, officers with United States Immigration and Customs Enforcement (hereinafter “ICE”) administratively detained hundreds of purported undocumented workers within the borders of the Southern District of Mississippi. The Defendant in this case is one of the detainees.

Thereafter, ICE transported the detainees to a holding facility in Jena, Louisiana. The Defendant has been detained by ICE since August 7. Days after August 7, the prosecution indicted the Defendant and the Court issued an arrest warrant for the Defendant.

The Sixth Amendment guarantees criminal defendants the right to counsel at legal proceedings. The prosecution and this Court have effectively initiated legal proceedings through returning the indictment and issuing the arrest warrant. But

several days after Defendant's detention, defendant has not had the benefit of legal counsel, as guaranteed by the Sixth Amendment.

On August 13, 2018, this Court entered an Amended Order adopting a revised Criminal Justice Act Plan for the Southern District of Mississippi. The stated objectives of the Plan are "to attain the goal of equal justice under the laws for all persons" and "to provide all eligible persons with timely appointed counsel services[.]" Criminal Justice Act Plan, p. 5. The Plan goes on to state that it is to "be administered so that those accused of a crime, or otherwise eligible for services under the CJA, will not be deprived of the right to counsel, or any element of representation necessary to an effective defense, due to lack of financial resources." *Id.*

The undersigned reasonably believes that the Defendant is indigent and is eligible for appointment of CJA counsel. Defendant has been incarcerated since August 7 and has not been appointed legal counsel. Therefore, under the Sixth Amendment and under this Court's Criminal Justice Act Plan, the undersigned asks to be immediately appointed as legal counsel in this case.

WHEREFORE, Defendant Mateo Magdalena Pedro respectfully asks the Court to grant this Motion to Require Initial Appearance in District of Arrest.

Respectfully submitted, this the 22<sup>nd</sup> day of August, 2019.

Omodare B. Jupiter

**Omodare B. Jupiter** (Miss. Bar # 102054)

Federal Public Defender

N. and S. Districts of Mississippi

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Attorney for Defendant

### **CERTIFICATE OF SERVICE**

I, Omodare B. Jupiter, certify that on August 22, 2019, this Motion was filed with the Clerk of the United States District Court for the Southern District of Mississippi, using the electronic case filing system, which in turn sent an electronic copy of this Motion to all attorneys of record in this case.

Omodare B. Jupiter

**Omodare B. Jupiter**

Attorney for Defendant